CONSTITUTION

OF THE

KNIK TRIBE

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PREAMBLE

The Knik people, residents of the state of Alaska, and citizens of the United States, constitute the Knik Tribe, Knik, Alaska and by this declaration, and through their elected Traditional Council assert their freedom as a people who are descendants of the aboriginal people of the Knik and Upper Cook Inlet areas, with a common bond of residence or association with the Native community of Knik, Alaska, or the Upper Cook Inlet area and as such, we ordain and institute this constitution to promote our Tribe's social, economic, and cultural progress.

ARTICLE I. NAME

This is the constitution of the Knik Tribe.

ARTICLE II. TERRITORY

The exterior boundaries of the Knik Tribe shall extend to and include all lands customarily and traditionally used or owned by the Knik Native people of Knik or the Upper Cook Inlet area since time immemorial, including within such "traditional lands" all

lands withdrawn for selection or selected under the Alaska Native Claims Settlement Act of December 18, 1971 (P.L. 92-203), as heretofore or hereafter amended, for the Native Village of Knik and any other lands acquired by the Tribe, and any Indian country as may exist within the boundaries of such traditional, withdrawn or selected lands, including specifically, allotments subject to federal restrictions on alienation.

ARTICLE III. JURISDICTION

The Knik Tribe shall have jurisdiction to the fullest extent possible over all lands and people within its territory to the extent such jurisdiction does not violate federal or Knik Tribal law.

ARTICLE IV. MEMBERSHIP

Section 1. Base Membership. The following Alaska Native people who are alive on the date this constitution is adopted and whose names appear on the Department of the Interior roll dated October 29, 1974, for the Native Village of Knik under the Alaska Native Claims Settlement Act shall be enrolled automatically as base members in the Knik Tribe, unless any such person shall in writing request not to be so enrolled.

Carol S. Call (Ness)	Debra L. Call (Gump)
Delia R. Call (Singley)	Sharon M. Call (Dallas)

Virginia L. Call	Lena M. Eognuk
Marina K. Eognuk (Lopez)	Malcolm McKinnon, Sr. (Deceased)
Hedy Nickita	John Shaginoff
Lloyd Shaginoff	Alfred P. Tellman
Lewis A. Tellman	Walter R. Tellman
William P. Tellman (Deceased)	Alice B. Theodore
Arthur Theodore	Bailey W. Theodore (Deceased)
David Theodore (Deceased)	Henry Theodore
Larry L. Theodore	Martha Theodore (Stephan)
Patsy Theodore (Garcia)	Paul B. Theodore
Randolph Theodore	Raymond L. Theodore
Ronnie T. Theodore	Marie A. Nickita (Williams)

Section 2. Voting Membership.

(a) Any person of Native blood, who is a direct, lineal descendant of any person named in Article IV, Section 1 of this Constitution, upon application, be enrolled as a voting member of the Knik Tribe.

(b) Any person of Alaska Native blood who resides in the Upper Cook Inlet area and who is married to or adopted as a minor by a person named in Article

IV, Section 1 or lineal descendant of any such person may, upon application, be enrolled as a voting member of the Knik Tribe.

(c) All base members are voting members.

Section 3. Qualifications for Nonvoting Membership. Any person at least one-quarter degree Native American blood may, by adoption, be enrolled as a nonvoting member of the Knik Tribe, in the sole discretion of the Council, if:

(a) They are citizens of the United States of America; and

(b) They have physically resided in the Upper Cook Inlet area for a period of at least one (1) year immediately prior to the date of their adoption into the Tribe.

Section 4. Dual Enrollment. A member of the Knik Tribe may also be a member of another tribe, but shall not be entitled to dual benefits from the federal government because of such dual enrollment.

Section 5. Loss of Membership. Any voting or nonvoting member may willingly give up their membership, or their membership may be taken away for good reason by the Tribe.

ARTICLE V. GOVERNING BODY

Section 1. Name. The governing body of the Knik Tribe shall be the Knik Tribal Council.

Section 2. Composition. The Council shall consist of five (5) members who shall be elected every two (2) years by a majority vote of the qualified members of the Tribe who vote at their regular election or meeting. Until the first election under this Constitution, the members of the existing Knik Village Council shall serve as the interim Knik Tribal Council.

Section 3. Officers. The officers shall include a President, Vice President, and Secretary/Treasurer who shall be elected by the members of the Council from among their number. The Council may appoint such other officers as may be necessary from time to time from within the Council.

Section 4. Term of Office. The terms of the President, Vice President, and Secretary/Treasurer shall be two (2) years. All officers serve at the pleasure of the Council.

Section 5. Assumption of Office. All Council members shall take office by oath immediately upon certification of the election.

ARTICLE VI. MEETING AND ELECTIONS

Section 1. Eligible Voting Members. To be eligible to vote in any Tribal meeting or election, a voting member of the Knik Tribe must also be eighteen (18) years of age or older.

Section 2. Qualification of Candidates. Only eligible voting members who are residents of the Upper Cook Inlet area may be candidates for election to membership on the Council and serve in that capacity. No person shall be a candidate for more than one (1) position in any election. Unless otherwise required by law, all candidates must be qualified by the date of the certification of their election. Any person convicted of a felony in federal or state court or who shall be removed or recalled from office under Article IX of this Constitution, shall be ineligible to serve as an officer of the Tribe or member of the Council for a period of five (5) years after their final discharge from custody, probation, or parole.

Section 3. Regular or Special Meetings or Elections. The regular meeting or election of the Knik Tribe shall be held at least once annually in the Upper Cook Inlet area. The date, time, and place of such meetings or elections shall be determined by the Council. Special meetings or elections may be called by the President and shall be called upon receipt of a petition signed by at least fifty percent (50%) of the eligible voting members of the Knik Tribe.

Section 4. Notice. Prior to each membership meeting or election, written or printed notice shall be delivered stating the place, day, and hour of the meeting or election and, in the case of a special meeting or election, the purpose for which the meeting or election is called. Such notice shall be delivered not less than thirty (30) or more than sixty (60) days before the date of the meeting or election. Notice shall be delivered by or at the direction of the President, either personally or by mail, to each voting or nonvoting member who is eighteen (18) years of age or older. If mailed, the notice is considered delivered when deposited with postage prepaid in the United States mail addressed to the member at the member's address as it appears on the roll of the Knik Tribe. If a member files a written request with the Secretary/Treasurer prior to the delivery of a notice that the notice be delivered to a different address, the notice shall be delivered to the new address.

Section 5. First Election. As soon as practicable after the adoption of this Constitution, the existing Knik Village Council shall call an election or meeting to elect the first members to the Council authorized under this Constitution. For this election or meeting only, the Village Council shall appoint two (2) election inspectors, none of whose members may be Council candidates.

Section 6. Election Law. As soon as practicable after the adoption of this Constitution, the Council shall enact a tribal election law. The law shall, consistent with this Constitution, include provisions for conducting all tribal elections by secret and absentee balloting, nomination of candidates, maintenance of a current list of eligible voters, the

settling of election disputes, and other matters related to the conduct of elections. Further, the law shall spell out the procedure and format to be used whenever it is necessary to submit petitions for any purpose to the Council and set forth a procedure for determining the validity of such petitions.

Section 7. Election Inspectors. The Council shall appoint two (2) election inspectors for each Tribal election or meeting. The election inspectors shall supervise, administer, and conduct the election. The election inspectors shall serve from the time of their appointment, until certification of the election for which the inspectors were appointed. The election inspectors shall certify the election of the Council members immediately after the election. No election inspector shall at the same time be a member of the Council or a candidate for a position on the Council.

Section 8. Quorum of Voting Members. A quorum of the voting members shall consist of thirty percent (30%) of the eligible voting members, voting either in person or by absentee ballot. Except where otherwise permitted by this Constitution, any action requiring a vote of the eligible voting members requires the attendance at a meeting or vote in an election of at least a quorum to be effective. Once a meeting is convened with a quorum present, those present at the meeting may continue to vote and transact business in the absence of a continuing quorum. Proxy voting shall not be allowed.

ARTICLE VII. DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the Tribe and the Council and shall execute on behalf of the Tribe all contracts, leases, or other documents approved by the Council. The President may vote in matters before the Council, and shall have general supervision of all other officers, employees, and committees of the Tribe and see that their duties are properly performed. When the Council is not in session, the President shall be the official representative of the Tribe.

Section 2. Vice President. The Vice President shall assist the President when called upon to do so. In the absence or incapacity of the President, the Vice President shall preside and when so presiding shall have all the rights, privileges, and responsibilities of the President.

Section 3. Secretary/Treasurer. The Secretary/Treasurer shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. The Secretary/Treasurer shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all monies, and keep an accurate account of the receipts and disbursements. Funds shall be deposited in the Knik Tribe's account in a local bank selected by the Council where depositor's funds are insured by the Federal Deposit Insurance Corporation or the equivalent. All disbursements shall be made by check in

accordance with resolutions of the Council. If requested, the Secretary/Treasurer shall file a bond satisfactory to the Council. The Council shall authorize payment of the annual bond premium from Tribal funds. The Secretary/Treasurer shall give a financial report to the Council once a month, and all financial records shall be available for inspection by any members of the Tribe. At the expiration of his term in office, the Secretary/Treasurer shall turn over all the records and papers in his possession to his successor or to the Council.

ARTICLE VIII. COUNCIL MEETINGS

Section 1. Meetings. Regular meetings of the Council shall be held at least quarterly; the time, place, and date to be designated by the Council. Special meetings of the Council may be called by the President and shall be called by him upon receipt of a request signed by the Secretary/Treasurer and at least one (1) member of the Council and when so called, the Council shall have power to transact business as in regular meetings, provided that a quorum is present.

Section 2. Notice. Not less than ten (10) days before each regular Council meeting, written notice shall be delivered to each Council member, stating the place, day, and hour of the meeting. Not less than three (3) days before any special Council meeting written notice by person-to-person communication shall be delivered to each Council member in a manner reasonably likely to be actually received, stating the place, day, hour, and purpose of the meeting. Notice shall be delivered by or at the direction of the President, either

person-to-person or by mail. If mailed, the notice is considered delivered when deposited with postage prepaid in the United States mail properly addressed. Notice of a meeting need not be given to a Council member who signs a waiver of notice before, during, or after the meeting, or who attends the meeting without protesting the lack of notice before or at the beginning of the meeting.

Section 3. Quorum. A quorum of the Council shall consist of three (3) members of the Council, one of whom shall act as recording secretary. In the absence of the Secretary/Treasurer the Council shall appoint a temporary recording secretary. Except as otherwise provided in this Constitution, no business shall be transacted unless a quorum is present.

Section 4. Public Meetings. All meetings of the Council shall be open to the membership of the Knik Tribe; provided however, that the Council may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

Section 5. Permanent Laws. All final decisions of the Council on matters of general or permanent interest to members of the Tribe shall be written as laws. The laws shall be collected and made available to Tribal members and others affected upon reasonable request.

Section 6. Temporary Resolutions. All final decisions of the Council on matters of temporary interest shall be written in resolutions. Resolutions shall be collected and made available to Tribal members and other affected persons upon request.

Section 7. Parliamentary Procedures. All meetings shall be conducted in accordance with rules acceptable to the Council.

ARTICLE IX. REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any elected Council member found guilty by the Council of behavior involving lack of fitness, misconduct in office, incompetence, corruption, or failure to perform required duties shall be removed from office if at least three (3) members of the Council vote in favor of such removal. Voting must be by secret hallot and the President, unless accused, is entitled to vote. The accused shall have no right to cast a ballot. Before any vote of removal is taken, the person subject to removal shall be given a written statement of the charges against him or her at least ten (10) days before the meeting of the Council at which the person is to appear and the person shall be given the opportunity to answer any and all charges at the designated Council meeting. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. The decision of the Council shall be final. No member of the Council shall preside over the meeting at which his or her removal is being considered. No member sball be subject to removal for the same charge more than once during any single term of office.

Section 2. Recall. Voting members shall have the power to recall any or all members of the Council for lack of fitness, misconduct in office, incompetence, corruption, or failure to perform required duties. The recall process shall be initiated by filing a petition with the Council asking for such a recall, signed by at least fifty percent (50%) of the eligible voters, and setting forth with particularity the reasons for the petition. The Council shall determine if the petition meets the requirements of this section, which shall be liberally interpreted. If the Council denies the petition, the petitioners upon request, shall be entitled to an independent review by an impartial committee appointed by the Council. The committee's decision shall be final for the Council.

Within thirty (30) days after the receipt of a valid recall petition, the Council shall call and conduct a meeting or election to consider the recall of the member(s) named in the petition. To be effective, at least a majority of all the eligible voters of the Knik Tribe must vote in favor of the recall. Once an individual has been subjected to recall proceedings, that person shall not again be subject to such action during the balance of their current term in office.

Section 3. Forfeiture/Resignation. If any member of the Council shall be found guilty of a felony in any federal or state court, shall die, resign, or is absent for three (3) consecutive meetings without being excused by the Council, the member shall automatically forfeit their office and membership on the Council. Resignation shall be effective when received in writing by the Council or any officer of the Council.

Section 4. Vacancies. Any office or Council position which has been vacated, whether it be by removal, recall, resignation, or forfeiture, shall be filled by appointment of a qualified voting member by majority vote of the remaining Council, whether consisting of a quorum or not, and such replacement shall serve until the vacated term is expired. If the office of the President becomes vacant, the Vice President assumes the office of the President and the replacement fills the vacated Council position.

ARTICLE X. POWERS

Section 1. General Powers. Except as specifically limited by this Constitution, the powers of the Tribe shall be exercised by the Council and shall include all the inherent powers of a federally recognized tribal government, including, but not limited to, those specified in this Article, which do not violate federal or Knik Tribal law. The Council may authorize an officer to act in specific circumstances.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact rules to govern its internal procedures and organization, and to further define the duties of Tribal officers by law or bylaw.

Section 3. Other Council Powers. In addition to all powers vested in the Tribe or the Council by existing law and this Constitution, the Tribe, acting through the Council, shall have the following powers:

(a) To negotiate with federal, state, or local governments and others on behalf of the Tribe and to advise and consult with the representatives of the Secretary of the Interior on all activities which may affect the Tribe.

(b) To promote and protect the health, education, and general welfare of the members of the Tribe, and to administer charity and such other services as may contribute to the social and economic development of the Tribe and its members.

(c) To raise revenue.

(d) To encourage, guard, and foster traditional cultural practices of the Knik Native people, including the arts, crafts, language, and customs of the Native people of the Knik Tribe.

(e) To authorize or direct subordinate boards, committees, or officials to administer the affairs of the Tribe and to carry out the directives of the Council.

(f) Except as limited by this Constitution, to manage, lease, exchange, acquire, or otherwise deal with Tribal or other property, and to protect and preserve

Tribal property and the wildlife and natural resources within those areas under the jurisdiction of the Tribe.

(g) To administer any funds within the control of the Tribe.

(h) To engage in economic development enterprises for the benefit of the Tribe or its members.

(i) To regulate child custody and adoption pursuant to the Indian Child Welfare Act or other applicable law, including the establishment of tribal courts or other judicial bodies.

(j) To establish tribal courts of general or limited jurisdiction.

(k) To negotiate agreements with other governments and international agencies not inconsistent with federal law.

(l) To safeguard and promote the peace, safety, morals, physical, and general welfare of the members of the Tribe.

(m) To employ legal counsel, subject to the approval of the Secretary of the Interior so long as required by federal law.

(n) To charter enterprises, corporations, and associations and join or charter housing authorities.

(o) To exercise any and all powers heretofore or hereafter delegated by the state or federal governments.

(p) To enact ordinances, procedures, and regulations necessary to give effect to any provision of this Constitution and to exercise any power not contrary to applicable federal law.

Section 4. Powers Reserved to Membership. Except by majority vote of the eligible voting members acting through a general membership meeting or a properly called election, no lands owned by the Tribe or interests in lands may be sold, leased, encumbered, or otherwise disposed.

Section 5. Waivers. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity or jurisdiction of the Knik Tribe, which may only be waived by express resolution of the Tribal Council, and only to the extent specified in such resolution and permitted by this Constitution and federal law. Waivers of sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgment, lien, or attachment upon property of the Tribe other than property specifically pledged, assigned, or otherwise explicitly subject to levy in the waiver resolution.

Section 6. Retained Powers. The retained powers of the Tribe not expressed in this Constitution shall not be lost by omission, but may be exercised by majority vote of the eligible voting members or delegated by the eligible voting members to the Council.

ARTICLE XI. POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The eligible voting members of the Tribe shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. The Council shall review the petition to determine if the proposed legislation can be reasonably understood and implemented, and shall advise the petitioners for the legislation if the petition is found to be invalid. If the Council denies the petition, the petitioners, upon request, shall be entitled to an independent review by an impartial committee appointed by the Council. The committee's decision shall be final for the Council.

Upon receipt of a valid petition signed by at least fifty percent (50%) of the eligible voting members, the Council shall call an election or membership meeting to be conducted no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the eligible voting members present and voting or voting by absentee ballot shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum. The Council, by an affirmative vote of at least three (3) of its members, may call an election or membership meeting to be conducted within thirty (30) days of such Council decision for the purpose of deciding by secret ballot, issues or questions that are within the authority of the Council. An affirmative vote by at least a majority of the eligible voting members present and voting or voting by absentee ballot shall be required to determine the issue or questions submitted by the voters.

Section 3. Decision of Tribal Members. The decision of the eligible voting members in both initiative and referendum elections shall be binding on the Council and the Tribe, and shall remain in full force until amended or rescinded by subsequent action of the eligible voting members or expires by its own terms.

ARTICLE XII. RIGHTS OF MEMBERS

Section 1. Civil Rights. Consistent with the customs, laws, and traditions of the Knik Tribe, the Tribe, in exercising its powers of self-government, shall not deny to any person within its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully, nor shall the Tribe deny to any person the equal protection of Tribal laws or deprive any person of liberty, membership, or property without due process of law.

Section 2. Land Rights. Tribal members shall have rights to use Tribally owned lands, subject to regulation of the Council and consistent with any contracts or covenants applicable to any such lands.

Section 3. Other Rights and Benefits. Tribal members shall have rights to distributions, services, and other tribal benefits as may be determined by the Council to be due as between voting and nonvoting members.

Section 4. Freedom of Information. Except as specifically limited by Tribal law, Tribal members shall have the right to review all Tribal records, including financial records, at any reasonable time in accordance with procedures established by the Council.

ARTICLE XIII. SEVERABILITY

If any provision of this Constitution shall be declared invalid by court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XIV. SAVINGS CLAUSE

All previous laws, resolutions, traditions, and customs of the Knik Tribe shall remain in effect to the extent that they are not inconsistent with this Constitution or future amendments to it.

ARTICLE XV. AMENDMENTS

This Constitution may be amended by a majority vote of the eligible voting members of the Knik Tribe voting in an election called for that purpose; provided that, at least thirty percent (30%) of those entitled to vote shall vote in such election.

ARTICLE XVI. ADOPTION

The Constitution shall be effective when adopted by the unanimous vote of all the members of the Knik Village Council subject to ratification by a majority vote of the base voting members of the Knik Tribe voting at an election called for that purpose in which at least thirty percent (30%) of the base membership shall vote.

CERTIFICATE OF ADOPTION

The foregoing Constitution of the Knik Tribe was adopted by unanimous vote of the five (5) members of the Knik Village Council on the 26 day of October, 1991, at Wasilla, Alaska, for and on behalf of the members of the Knik Tribe.

KNIK VILLAGE COUNCIL

Paul B. Theodore
President

Vice President

Member

Member

Date: Oct. 26, 1991

ATTEST:

Secretary/Treasurer

CERTIFICATE OF RATIFICATION

Pursuant to an election authorized by the Knik Village Council, on October 26, 1991, this Constitution of the Knik Tribe was submitted to the base membership of the Tribe qualified to vote and on February 8, 1992, was duly (adopted)~~(rejected)~~ by a vote of 12 for and 2 against and 0 cast ballots found spoiled or mutilated in an election in which at least thirty percent (30%) of the base members qualified to vote cast their ballot.

INSPECTORS OF ELECTION

Patrick E. Von Stemmer

Date: February 8, 1992